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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

MARK LETBETTER, et al.

Plaintiffs,

v.

LOCAL 514, TRANSPORT WORKERS  
 UNION OF AMERICA, AFL/CIO,

Defendant.

Case No. 3:14-cv-04075-VC

**STIPULATION AND ~~PROPOSED~~  
 ORDER STAYING CASE  
 Civ. L.R. 6-2**

Date: n/a

Time: n/a

Ctrm.: 4

Judge: Hon. Vince Chhabria

1 Plaintiffs Mark Letbetter et al. (collectively “Plaintiffs”), Defendant Transport Workers  
2 Union of America (“TWU”), and Defendant Local 514, Transport Workers Union of America  
3 (“Local 514”), herein referred to collectively as the “Parties,” hereby stipulate, by and through  
4 their respective attorneys of record, as follows:

5 WHEREAS, Plaintiffs filed an original complaint on February 5, 2014 in the District  
6 Court of Rogers County, State of Oklahoma;

7 WHEREAS, Plaintiffs filed a First Amended Complaint (“FAC”) in the District Court of  
8 Rogers County, State of Oklahoma, on February 18, 2014, which was served on TWU on  
9 February 27, 2014, and was served on Local 514 on February 26, 2014;

10 WHEREAS, on March 17, 2014, TWU removed the action to the Northern District of  
11 Oklahoma, where it was docketed as *Letbetter v. Local 514, Transport Workers Union of*  
12 *America*, No. 4:14-cv-00125-TCK-FHM, and Local 514 consented to that removal;

13 WHEREAS, on March 21, 2014, TWU moved pursuant to the first-to-file rule to transfer  
14 the action to this District, based on its similarity to the earlier-filed action *Demetris et al. v.*  
15 *Transport Workers Union of America*, Case No. 3:13-cv-05566-VC (N.D. Cal.) (the “*Demetris*  
16 *Action*”);

17 WHEREAS, also on March 21, 2014, TWU filed an unopposed motion for extension of  
18 time to answer or otherwise respond to Plaintiffs’ FAC until seven days after the Northern  
19 District of Oklahoma ruled on TWU’s then-pending motion to transfer;

20 WHEREAS, the Northern District of Oklahoma granted TWU’s unopposed motion for  
21 extension of time to answer on March 24, 2014, extending the time for TWU to respond until  
22 seven days after a ruling on TWU’s motion to transfer;

23 WHEREAS, on May 20, 2014, Local 514 moved for an extension of time to answer or  
24 otherwise respond to Plaintiffs’ FAC until twenty days after the Northern District of Oklahoma  
25 ruled on TWU’s then-pending motion to transfer;

26 WHEREAS, the Northern District of Oklahoma granted in part Local 514’s unopposed  
27 motion for extension of time to answer on May 29, 2014, extending the time for Local 514 to  
28 respond until seven days after a ruling on TWU’s motion to transfer and on plaintiffs’ separation

1 motion to remand;

2 WHEREAS, on September 5, 2014, United States District Judge Terence Kern (N.D.  
3 Okla.) issued an order granting TWU's motion to transfer, and also denying Plaintiffs' separate  
4 motion to remand;

5 WHEREAS, pursuant to Judge Kern's order, this action was transferred to this District on  
6 September 8, 2014, and was assigned to Magistrate Judge Corley;

7 WHEREAS, on September 12, 2014, the Parties filed a joint stipulation that Defendants  
8 TWU's and Local 514's time to respond to Plaintiffs' FAC be extended to 14 days after the  
9 Court issued an order on TWU's then-pending motion for summary judgment for failure to  
10 exhaust internal union remedies, or alternatively to dismiss plaintiffs' first amended complaint  
11 for failure to state a claim in the *Demetris* Action, based on the similarity of issues in the two  
12 cases (Dkt. 44);

13 WHEREAS, Magistrate Judge Corley adopted the Parties' stipulation in an order dated  
14 September 15, 2014 (Dkt. 45);

15 WHEREAS, on September 17, 2014, the Court issued an order relating the above-  
16 captioned matter to the *Demetris* Action and set an initial case management conference for  
17 September 30, 2014 at 10:00 a.m. to coincide with a case management conference in *Demetris*  
18 rescheduled for the same date and time (Dkt. 48);

19 WHEREAS, on September 23, 2014, the Parties filed a stipulated request to continue the  
20 initial case management conference from September 30 to November 4, 2014, at 10:00 a.m., due  
21 to counsel's various scheduling conflicts (Dkt. 49);

22 WHEREAS, on September 24, 2014, the Court granted the Parties' stipulated request,  
23 and continued the case management conference both in this case and in the *Demetris* Action to  
24 November 4, 2014, at 10:00 a.m. (Dkt. 50);

25 WHEREAS, on September 30, 2014, the Court issued in the *Demetris* Action an Order  
26 Denying Motion for Summary Judgment for Failure to Exhaust Internal Union Remedies;  
27 Granting Motion to Dismiss With Leave to Amend, which dismissed the *Demetris* plaintiffs'  
28 First Amended Complaint and granted them 21 days from the date of that Order to file, if they so

1 elected, a second amended complaint;

2 WHEREAS, in the event *Demetris* plaintiffs file a second amended complaint, TWU  
3 anticipates that it will file another motion to dismiss;

4 WHEREAS, pursuant to the Parties' stipulation, Defendant TWU's and Defendant Local  
5 514's response to the First Amended Complaint in this action is currently due October 14, 2014;

6 WHEREAS, the Parties agree that the outcome of any motion to dismiss a second  
7 amended complaint in *Demetris* will significantly inform proceedings in the instant, related  
8 action; and

9 WHEREAS, the Parties agree that the interests of judicial economy and efficiency will  
10 therefore be best served by staying this case pending resolution of any motion to dismiss a  
11 second amended complaint, if any, in the *Demetris* Action;

12 Hence, pursuant to Civil Local Rule 6-2, the Parties HEREBY STIPULATE as follows:

13 The initial case management conference currently set for November 4, 2014 at 10:00 a.m.  
14 shall be taken off calendar;

15 This case shall be stayed pending resolution of the motion to dismiss the second amended  
16 complaint in the *Demetris* Action; and

17 Upon the Court's ruling on such motion in the *Demetris* Action, the Parties will further  
18 meet and confer regarding a proposed schedule for Plaintiffs to file a second amended complaint  
19 in this action and for Defendants to respond to said amended complaint, if necessary.

20 Dated: October 10, 2014

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by: /s/ Connie K. Chan  
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Dated: October 10, 2014

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by: /s/ Stratton Taylor  
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Attorneys for Plaintiffs

**~~PROPOSED~~ ORDER**

Pursuant to the Parties' stipulation and for good cause shown, the Court hereby ORDERS as follows:


The initial case management conference currently set for November 4, 2014 at 10:00 a.m. is taken off calendar;

This case shall be stayed pending resolution of the motion to dismiss the second amended complaint in the related case *Demetris et al. v. Transport Workers Union of America*, Case No. 3:13-cv-05566-VC (the "*Demetris* Action"); and

Upon the Court's ruling on such motion in the *Demetris* Action, the Parties will further meet and confer regarding a proposed schedule for Plaintiffs to file a second amended complaint in this action and for Defendants to respond to said amended complaint, if necessary.

**IT IS SO ORDERED.**

Dated: October 14, 2014

  
\_\_\_\_\_  
The Honorable Vince Chhabria  
United States District Judge